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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,769	04/30/2001	Ken Ikoma	33555	2183
116	7590	07/16/2004		
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER AGGARWAL, YOGESH K	
			ART UNIT 2615	PAPER NUMBER

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,769

Applicant(s)

IKOMA ET AL.

Examiner

Yogesh K Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BEST AVAILABLE COPY**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Beis (US Patent # 5,172,220).

[Claim 1]

Beis teaches a camera (figure 1) comprising an image pick-up element (figure 1: 4, 11), on which an image is formed through the lens (figure 1: 1) provided on a camera body, for converting the image into an electric signal through the image pick-up element, thereby obtaining an image signal (col. 3 lines 59-68). Beis further teaches an optical filter switching means (figure 1: 3) which switches an optical filter [The color and black/white optical filter is provided on the respective image sensors 11 and 4 respectively] and is provided on a front surface of the image pick-up element [The optical filter switching means 3 is provided in front of the image sensors 4 and 11 as shown in figure 1] depending on a level of the image signal (col. 2 lines 13-36, figure 1, col. 4 lines 4-28).

[Claim 2]

Beis teaches an optical filter that includes a color filter (figure 1: 11) and a black-and-white filter (figure 1: 4), wherein the optical filter is switched into the color filter to obtain a color image during the day with a high image signal level, and the optical filter switched into the black-and-white filter night with a low image signal level (col. 4 lines 49-53).

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[Claims 3/1,3/2]

Beis teaches detecting means (figure 1: 8) which detects a level of the image signal output from the image pick up element (figure 1: 4 and 11), wherein the optical filter is automatically switched depending on the signal level thus detected (col. 4 lines 4-28).

[Claim 4]

Beis teaches a method of switching an optical filter of a camera (figure 1) comprising forming an image on an image pick-up element (figure 1: 4 and 11) through a lens (figure 1: 1) provided on a camera body converting the image into an electric signal through the image pick-up element, thereby obtaining an image signal (col. 3 lines 59-68); detecting a level of the image signal output from the image pick-up element by detecting means and automatically switching the optical filter [The color and black/white optical filter is provided on the respective image sensors 11 and 4 respectively] through optical filter switching means provided on a front surface of the image pick-up element [The optical filter switching means 3 is provided in front of the image sensors 4 and 11 as shown in figure 1] depending on the signal level detected by the detecting means (col. 4 lines 4-28, figure 1: 3).

[Claim 5]

This is a method claim corresponding to apparatus claim 2. Therefore it has been analyzed and rejected based upon the apparatus claim 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beis (US Patent # 5,172,220) in view of Fukushima (US Patent # 5,903,700).

[Claims 6 and 7]

Beis teaches the limitations of claim 5 but fails to teach, "... wherein character information indicating the switching is output through display means and is displayed together with an image on a monitor when the optical filter is switched from the color filter into the black-and-white filter and wherein character information about the black-and-white image displayed on the monitor when an image pick-up environment in which the camera body picks up an image is detected by a sensor and a color image is automatically switched into black-and-white image". However Fukushima teaches that it is well known in the art to have an icon for a particular camera be displayed on the monitor 100 wherein a colored icon represents a color camera and a black and white icon represents B/W camera (col. 10 lines 41-46). In light of the teachings of Fukushima and Beis, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an icon be replaced with characters to show the switching information from B/W to color camera and character information about the black-and-white image be displayed on a monitor. The benefit of doing so would be to discriminate between a color camera and a black-and-white camera as taught in Fukushima (col. 10 lines 41-42).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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i) He et al. (US Patent # 6,336,587) discloses an optical filter (figures 7 and 7(a)) having four sections (col. 12 lines 22-37).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
July 6, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
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